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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,225	11/13/2003	Josiah M. Ives	087522-785-232	8489
28104	7590	08/20/2004	EXAMINER	
JONES DAY 77 WEST WACKER CHICAGO, IL 60601-1692			HOGE, GARY CHAPMAN	
			ART UNIT	PAPER NUMBER

3611

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,225

Applicant(s)

IVES ET AL.

Examiner

Gary C Hoge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 38-47 and 56-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,11,22,23,27,31 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 5,8-10,12-21,24-26,28-30,32-36 and 51-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7, 11, 23 and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Seiber et al.

See Figs. 24 and 25A-25C. Seiber et al. discloses a work board **100** having front and rear surfaces, and a hook assembly **370** including a bracket **372** attached to the board and a hook **376** rotatably mounted to the bracket **372**.

Regarding claim 3, see Figs. 25D and 26A. The bracket disclosed by Seiber et al. includes two arms **434** and a base **432**.

Regarding claim 4, note fastener opening **422**.

Regarding claims 7 and 11, the hook assembly includes a post **392** projecting from the hook and a post receiving opening **394**.

Regarding claims 23 and 50, see Fig. 3 of Seiber et al.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiber et al. in view of Baloga et al.

Seiber et al. discloses the invention substantially as claimed, as set forth above. However, no detent has been disclosed. Baloga et al. teaches (see column 18, line 64) that it was known in the art to provide a detent to a repositionable work surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the board disclosed by Seiber et al. with a detent, as taught by Baloga et al., in order to provide a tactile indication of when the hooks 376 are in the correct position to mount the board in either of the positions shown in Fig. 24.

Regarding claim 20, see Figs. 25D and 26A. The bracket disclosed by Seiber et al. includes two arms 434 and a base 432, and the hook assembly includes a post 392 projecting from the hook and a post receiving opening 394.

6. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiber et al. in view of Robertson.

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Seiber et al. discloses the invention substantially as claimed, including a frame around the board, as set forth above. However, no tray is included with the frame. Robertson teaches that it was known in the art to include a tray with a frame around a markable board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the board disclosed by Seiber et al. with a tray, as taught by Robertson, in order to hold marking equipment.

Regarding claim 27, see Fig. 3 of Seiber et al.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seiber et al. in view of Robertson, as applied to claim 22, above, and further in view of Baloga et al.

Seiber et al. discloses the invention substantially as claimed, as set forth above. However, no detent has been disclosed. Baloga et al. teaches (see column 18, line 64) that it was known in the art to provide a detent to a repositionable work surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the board disclosed by Seiber et al. with a detent, as taught by Baloga et al., in order to provide a tactile indication of when the hooks 376 are in the correct position to mount the board in either of the positions shown in Fig. 24.

Allowable Subject Matter

8. Claims 5, 8-10, 12-19, 21, 24-26, 28-30, 32-37 and 51-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary C Hoge
Primary Examiner
Art Unit 3611

gch